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REMARKS

This paper is responsive to the Final Office Action dated March 16, 2005. Claims 1-8 and 11-33 were examined.

Rejections Under 35 U.S.C. §102

Claims 1, 8, and 26-31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,541,927 issued to Kristol et al. (hereinafter "Kristol"). Applicant respectfully traverses these rejections.

Claims 1, 12, 26 and 27

The Office has responded that Applicant's previous arguments were not persuasive. The Office argues that Kristol "indicates which of the plurality of targets received the multicast information," as recited in claim 1 and similarly in claims 12, 26 and 27, because Kristol indicates that all targets have received all blocks up to LW_r . The Office's partial quotation of Kristol allows the misinterpretation advanced by the Office. The section relied upon by the Office states "[i]f the LW_r 's of the E_{ij} 's are 4, 3, 2, 8 and 5, the L_i will choose 2 as $LW_{r(\text{consolidated})}$ indicating to S that all the destinations in its jurisdiction have received all of the blocks up to block number 2, although there are some destinations in the same jurisdiction which have received all the blocks up to block numbers 3, 4, 5 and 8" (col. 9, lines 58 – 65). As stated in the previous response, Kristol's status message indicates which blocks have been received by all targets within a jurisdiction, but does not indicate which targets have received multicast information. In Kristol, it is presumed that all targets have at least received the blocks indicated in a consolidated status message, but there is no indication of targets in the consolidated status message. The status message of Kristol does not actually indicate which targets have received multicast information. Although Applicant realizes that the Office must give the broadest reasonable interpretation of the claims, the Office is mischaracterizing Kristol as indicating targets, which does not comport with the actual disclosure of Kristol.

PATENT

Claims 29 and 30

The Office states that “[a]lthough Kristol does not explicitly disclose the status messages identify ports associated with the target nodes, Kristol does disclose that each target node is identified by a status message and since a port is nothing more than the physical input/output connection connecting two nodes, the port is automatically identified by way of the target node identification because each node has only one input/output to the switching module” (page 19, lines 10 – 15 of the Final Office Action). The rejection of these claims is entirely based on the mischaracterization of Kristol discussed above. Kristol does not disclose indicating particular targets, and therefore cannot indicate ports of particular targets. For the rejections of claims 29 and 30, the Office states that “in step 710 the E_{ij} ’s indicate a plurality of targets.” The section relied upon by the Office actually states “S multicasts a block to all the destinations E_{ij} ’s [for all] i,j in step 710 using the multicast tree which is set up at the connection establishment phase” (col. 9, lines 35 – 37). The actual section of Kristol does not support the statement by the Office.

Rejections Under 35 U.S.C. §103

Claims 2-5, 7, 12, 13, 21-23, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kristol in view of U.S. Patent No. 5,502,756 issued to Crocker et al. (hereinafter “Crocker”). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kristol in view of U.S. Patent No. 6,067,567 issued to Bartfai et al. (hereinafter “Bartfai”). Claims 18 – 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kristol and Crocker and further in view of Bartfai. Applicant respectfully traverses these rejections.

The Office relies on both Kristol and Crocker in rejecting claim 12. In making the rejection, the Office relies on Kristol as disclosing a consolidated acknowledgment packet that indicates “which of the plurality of receiving nodes acknowledged receipt of the multicast information” as recited in claim 12. As stated above, Kristol does not disclose or suggest the quoted claim limitation, and therefore the combination of Kristol and Crocker fails to disclose or suggest claim 12.

PATENT

Claim 11

The Office states that Kristol fails to disclose "wherein the merged acknowledgment includes a single bit indicating whether all of targets successfully received the multicast information" as recited in claim 11. The Office then refers to Bartfai, since Bartfai discloses an acknowledgement packet, which is a 16 byte packet (col. 6, lines 30 – 40). The Office also states that one of ordinary skill would recognize that an acknowledgement packet is functionally equivalent to single acknowledgment bit. However, the limitation states "a single bit indicating whether all of the targets successfully received the multicast information." The acknowledgement packet of Bartfai indicates "that a service request has been received and processed" (col. 6, lines 23 – 26). The acknowledgement packet of Bartfai does not indicate whether all targets have successfully received multicast information. Since Bartfai fails to disclose or suggest claim 11 and the Office admits that Kristol does not disclose or suggest the above quoted limitation, then the rejection of claim 11 cannot be maintained.


For at least the reasons above, Applicant respectfully submits that all of the claims are allowable and not disclosed or suggested by Kristol, Bartfai, or Crocker, standing alone or in combination. In addition, all of the dependent claims are also allowable because they depend from corresponding ones of the allowable independent claims.

Allowable Subject Matter

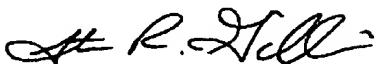
The Office has indicated that claims 14-17, 24, 32, and 33 would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indication of allowable subject matter.

In summary, claims 1 – 8 and 11 – 33 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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 Steven R. Gilliam	<u>16 May 2005</u> Date

Respectfully submitted,



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